

FINAL

AMENDED
April 18 and May 2 and 16, 2016

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2016, Legislative Day No. 6

Bill No. 23-16

Introduced by Mr. Fink, Chairman
(by request of the County Executive)

By the County Council, March 21, 2016

Introduced and first read on March 21, 2016
Public Hearing set for and held on April 18, 2016
Public Hearing on AMENDED BILL set for and held on May 2, 2016
Public Hearing on SECOND AMENDED BILL set for and held on May 16, 2016
Public Hearing on THIRD AMENDED BILL set for and held on June 6, 2016
Bill Expires June 24, 2016

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Peer Expedited Review
2 Program
3

4 FOR the purpose of establishing a voluntary peer expedited review program for
5 development plan review that permits third-party review of ~~subdivision or site~~
6 ~~development~~ engineered water and sewer, road, storm drain, stormwater management
7 or grading plans by reviewers certified and referred by the County; granting other
8 County agencies the power to administer the peer expedited review program;
9 providing for expedited County review of peer expedited reviewed plans; providing
10 that annual reports be submitted to the County Council describing the implementation
11 of the peer expedited review program; requiring website posting of all applications
12 being reviewed; providing for the termination date of this Ordinance; and generally
13 relating to subdivision and development.
14

15 BY repealing and reenacting, with amendments: § 17-2-104
16 Anne Arundel County Code (2005, as amended)
17

18 BY adding: § 17-2-111
19 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
2 *Maryland,* That Section(s) of the Anne Arundel County Code (2005, as amended) read as
3 follows:

4
5 ARTICLE 17. SUBDIVISION AND DEVELOPMENT

6
7 TITLE 2. GENERAL PROVISIONS

8
9 17-2-104. Administration and interpretation.

10
11 This article is administered and interpreted by the Planning and Zoning Officer and
12 the Office of Planning and Zoning, EXCEPT THAT THE ~~PEER~~ EXPEDITED REVIEW
13 PROGRAM ESTABLISHED UNDER § 17-2-111 MAY ALSO BE ADMINISTERED BY THE
14 DIRECTOR OF INSPECTIONS AND PERMITS AND THE DEPARTMENT OF INSPECTIONS AND
15 PERMITS.

16
17 17-2-111. ~~Peer~~-Expedited Review Program.

18
19 (A) **Program established.** THERE IS A ~~PEER~~ AN EXPEDITED REVIEW PROGRAM THAT
20 MAY BE UTILIZED IN LIEU OF THE REVIEW PROCESS PROVIDED IN THIS ARTICLE FOR
21 ~~SUBDIVISION AND SITE DEVELOPMENT~~ ENGINEERED WATER AND SEWER, ROAD, STORM
22 DRAIN, STORMWATER MANAGEMENT OR GRADING PLANS OUTSIDE THE CRITICAL AREA
23 OVERLAY.

24
25 (B) **Generally.** A DEVELOPER MAY ELECT TO PARTICIPATE IN THE ~~PEER~~ EXPEDITED
26 REVIEW PROGRAM AND CONTRACT FOR PRIVATE REVIEW OF ~~SUBDIVISION OR SITE~~
27 DEVELOPMENT ENGINEERED WATER AND SEWER, ROAD, STORM DRAIN, STORMWATER
28 MANAGEMENT OR GRADING PLANS BY PEER REVIEWERS CERTIFIED BY THE COUNTY.

29
30 (C) **Process and Procedure.** THE OFFICE OF PLANNING AND ZONING AND THE
31 DEPARTMENT OF INSPECTIONS AND PERMITS SHALL ADOPT REGULATIONS, FORMS AND
32 COMPLIANCE CHECKLISTS TO IMPLEMENT THE ~~PEER~~ EXPEDITED REVIEW PROGRAM,
33 WHICH SHALL INCLUDE THE FOLLOWING PROVISIONS.

34
35 (1) ALL ~~PEER~~ EXPEDITED REVIEWS SHALL BE AT THE SOLE COST OF THE
36 DEVELOPER.

37
38 (2) ALL POTENTIAL ~~PEER~~ CERTIFIED REVIEWERS SHALL MEET MINIMUM
39 QUALIFICATIONS ESTABLISHED BY THE OFFICE OF PLANNING AND ZONING AND THE
40 DEPARTMENT OF INSPECTIONS AND PERMITS.

41
42 (3) THE OFFICE OF PLANNING AND ZONING AND THE DEPARTMENT OF
43 INSPECTIONS AND PERMITS SHALL MAINTAIN A ROTATION LIST OF ALL CERTIFIED
44 REVIEWERS AND REFER REQUESTS FOR REVIEW FROM THE LIST OF CERTIFIED
45 REVIEWERS ON A ROTATION. THE OFFICE OF PLANNING AND ZONING AND THE
46 DEPARTMENT OF INSPECTIONS AND PERMITS SHALL DETERMINE WHICH CERTIFIED
47 REVIEWERS RECEIVED THE LAST REQUEST AND REFER THE REQUESTING APPLICANT THE
48 NAMES OF THE NEXT THREE CERTIFIED REVIEWERS ON THE LIST TO REVIEW THE
49 APPLICATION. THE APPLICANT SHALL NOTIFY THE OFFICE OF PLANNING AND ZONING
50 AND THE DEPARTMENT OF INSPECTIONS AND PERMITS OF THEIR SELECTION OF A
51 CERTIFIED REVIEWER WITHIN THREE DAYS OF EXECUTION OF AN AGREEMENT WITH A
52 CERTIFIED REVIEWER.
53

1 (3) (4) CERTIFIED ~~PEER~~ REVIEWERS SHALL ENTER INTO AN AGREEMENT TO
2 INDEMNIFY THE COUNTY FROM ANY AND ALL CLAIMS OR LIABILITIES ARISING OUT OF
3 NEGLIGENT ACTS OR OMISSIONS OF THE ~~PEER~~ CERTIFIED REVIEWER.

4
5 (4) (5) ALL RECOMMENDATIONS FOR PLAN APPROVAL BY ~~PEER~~ CERTIFIED
6 REVIEWERS ARE SUBJECT TO REVIEW BY THE OFFICE OF PLANNING AND ZONING AND
7 THE DEPARTMENT OF INSPECTIONS AND PERMITS.

8
9 (5) (6) NOTWITHSTANDING A RECOMMENDATION FOR PLAN APPROVAL BY A
10 CERTIFIED ~~PEER~~ REVIEWER, FINAL PLAN APPROVAL AUTHORITY REMAINS SOLELY WITH
11 THE OFFICE OF PLANNING AND ZONING AND THE DEPARTMENT OF INSPECTIONS AND
12 PERMITS.

13
14 (6) (7) CERTIFIED ~~PEER~~ REVIEWERS MAY NOT HAVE AN INTEREST, AS THAT TERM
15 IS DEFINED IN § 7-1-101 OF THIS CODE, IN ANY PROJECT IN WHICH THEY ARE RETAINED
16 TO PERFORM A ~~PEER~~ REVIEW OR HAVE AN INTEREST IN ANY OTHER PROJECT OR
17 BUSINESS ENTITY OF THE DEVELOPER WHO IS REQUESTING EXPEDITED REVIEW FROM
18 THE REVIEWER, OR IN ANY BUSINESS ENTITY IN WHICH THE DEVELOPER AND THE
19 REVIEWER HAVE A SHARED INTEREST. CERTIFIED REVIEWERS SHALL DISCLOSE ANY
20 INTEREST IN PROJECTS OR BUSINESSES AS PART OF THE QUALIFICATION PROCESS AND
21 HAVE AN AFFIRMATIVE DUTY TO UPDATE THE DISCLOSURE ANNUALLY.

22
23 (7) (8) THE PROGRAM SHALL INCLUDE A PROCESS TO ADDRESS COMPLAINTS
24 REGARDING ~~PEER~~ CERTIFIED REVIEWERS AND REMEDIES, INCLUDING DE-
25 CERTIFICATION.

26
27 (D) **In lieu of County review.** ~~PEER~~ EXPEDITED REVIEW UNDER THIS SECTION
28 SHALL BE IN LIEU OF THE COUNTY REVIEW PROCESS UNDER TITLE 3 AND TITLE 4 OF THIS
29 ARTICLE, PROVIDED, HOWEVER, THAT ALL PLANS RECOMMENDED FOR APPROVAL BY
30 ~~PEER~~ EXPEDITED REVIEW SHALL BE REVIEWED BY THE OFFICE OF PLANNING AND
31 ZONING AND THE DEPARTMENT OF INSPECTIONS AND PERMITS FOR COMPLIANCE WITH
32 ALL APPLICABLE REQUIREMENTS OF STATE AND COUNTY LAW, AND MAY NOT BE
33 APPROVED UNTIL FULL COMPLIANCE IS CONFIRMED.

34
35 (E) **Time for final review.** FINAL PLAN REVIEW BY THE OFFICE OF PLANNING AND
36 ZONING AND THE DEPARTMENT OF INSPECTIONS AND PERMITS OF ~~SUBDIVISION AND~~
37 ~~SITE DEVELOPMENT~~ ENGINEERED WATER AND SEWER, ROAD, STORM DRAIN,
38 STORMWATER MANAGEMENT OR GRADING PLANS RECOMMENDED FOR APPROVAL BY A
39 CERTIFIED ~~PEER~~ REVIEWER SHALL BE COMPLETED NO LATER THAN 10 DAYS AFTER
40 APPLICATION FOR FINAL REVIEW FOR MINOR SUBDIVISION PLANS, AND 20 DAYS AFTER
41 APPLICATION FOR FINAL REVIEW FOR MAJOR SUBDIVISIONS AND SITE DEVELOPMENT
42 PLANS CERTIFICATION AND WRITTEN REQUEST FOR APPROVAL FROM A CERTIFIED
43 REVIEWER.

44
45 (F) **Reporting to County Council.** NO LATER THAN JULY 1 OF EACH YEAR, THE
46 PLANNING AND ZONING OFFICER, THROUGH THE OFFICE OF PLANNING AND ZONING, THE
47 DEPARTMENT OF INSPECTIONS AND PERMITS, THE CHIEF ADMINISTRATIVE OFFICER, AND
48 THE COUNTY EXECUTIVE, SHALL SUBMIT AN ANNUAL REPORT TO THE COUNTY COUNCIL
49 DESCRIBING THE OPERATION OF THE ~~PEER~~ EXPEDITED REVIEW PROGRAM, INCLUDING A
50 SUMMARY OF THE PROGRAM FROM THE PRECEDING YEAR, THE NUMBER OF ~~PEER~~
51 CERTIFIED REVIEWERS APPROVED, THE NUMBER OF PROJECTS THAT ELECTED AND
52 COMPLETED THE ~~PEER~~ EXPEDITED REVIEW PROCESS, THE TIME FRAME FOR PROJECTS TO
53 COMPLETE THE ~~PEER~~ EXPEDITED REVIEW PROCESS, AND ANY DISCIPLINARY ACTIONS.

54
55 (G) **Disclosure of Expedited Review Election.** THE OFFICE OF PLANNING AND
56 ZONING AND DEPARTMENT OF INSPECTIONS AND PERMITS SHALL MAINTAIN A LIST ON
57 THE COUNTY WEBSITE OF ALL PROJECTS FOR WHICH A DEVELOPER HAS OPTED FOR
58 EXPEDITED REVIEW BY A CERTIFIED REVIEWER. THE LIST SHALL INCLUDE THE DATE OF

1 REQUEST, TYPE OF REVIEW REQUESTED AND THE DEADLINE FOR SUBMISSION OF THE
2 REVIEWED APPLICATION TO THE OFFICE OF PLANNING AND ZONING OR DEPARTMENT OF
3 INSPECTIONS AND PERMITS.

4
5 SECTION 2. And be it further enacted, That the provisions of this Ordinance shall
6 remain in effect for two years from the date this Ordinance becomes effective, after
7 which it shall stand repealed and with no further action required by the County Council,
8 be of no further force and effect.

9
10 SECTION 2 3. And be it further enacted, That this Ordinance shall take effect 45
11 days from the date it becomes law.

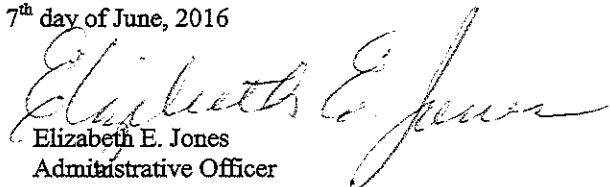
AMENDMENTS ADOPTED: April 18 and May 2 and 16, 2016

READ AND PASSED this 6th day of June, 2016

By Order:


Elizabeth E. Jones
Administrative Officer

PRESENTED to the County Executive for his approval this 7th day of June, 2016

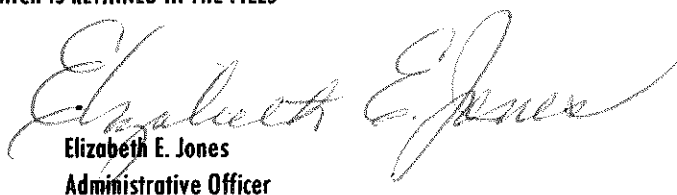

Elizabeth E. Jones
Administrative Officer

APPROVED AND ENACTED this 17th day of June, 2016


Steven R. Schuh
County Executive

EFFECTIVE DATE: July 22, 2016

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
23-16 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.


Elizabeth E. Jones
Administrative Officer